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Resolution adopted by the Human Rights Council on 6 July 2018

38/12. Civil society space: engagement with international and regional organizations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recognizing their continued significance and relevance in the context of their anniversaries, and guided further by the International Covenants on Human Rights and all other relevant instruments,

Reaffirming the importance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, in particular in the context of its twentieth anniversary,

Recalling its resolutions 27/31 of 26 September 2014 and 32/31 of 1 July 2016 on civil society space, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment,

Recalling also all other Human Rights Council and General Assembly resolutions relevant to creating and maintaining civil society space, inter alia, those addressing freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; protecting human rights defenders; equal participation in political and public affairs; cooperation with the United Nations, its representatives and mechanisms in the field of human rights; the promotion and protection of human rights in the context of peaceful protests; and the promotion, protection and enjoyment of human rights on the Internet,

Reminding States of their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, inter alia, the rights to freedom of expression and opinion and to assemble peacefully and associate freely, online as well as offline, including for persons espousing minority or dissenting views or beliefs, and that respect for all such rights, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as when addressing financial and economic crises, responding to public health crises, responding to humanitarian crises, including in the context of armed conflict, promoting the rule of law and accountability, achieving transitional justice goals, protecting the environment, realizing the right to development, empowering persons belonging to minorities and

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vulnerable groups, combating racism and racial discrimination, supporting crime prevention, countering corruption, promoting corporate social responsibility and accountability, combating human trafficking, empowering women and youth, promoting the rights of the child, advancing social justice and consumer protection, the realization of all human rights and the implementation of the 2030 Agenda for Sustainable Development,

Recalling Economic and Social Council resolution 1996/31 of 25 July 1996 and the need to take into account the full diversity of non-governmental organizations at the national, regional and international levels while acknowledging their expertise and their capacity to support the work of the United Nations,

Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the United Nations, and that the undue restriction of civil society space therefore has a negative impact upon their achievement,

Recalling the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006, and welcomes the contribution of civil society in this regard,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, including the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels, and strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, and welcoming also its recognition of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Welcoming also the fundamental contribution that civil society and human rights defenders make to the promotion of human rights, the creation of peaceful dialogue and the building of pluralistic democracies,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment, discrimination and attacks and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of criminal or civil proceedings, or deplorable acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights, and strongly condemning all such violations and abuses,

Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter of the United Nations and international human rights law,

Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society, and in this regard strongly rejecting all threats, attacks, reprisals and acts of intimidation against civil society actors, and underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals or acts of intimidation,

Deeply concerned that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society actors, or registration or reporting requirements, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to prevent and stop the use or misuse of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure their compliance with international human rights law and, where applicable, international humanitarian law,

Recognizing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of a diverse and pluralistic civil society, and that undue

restrictions on funding to civil society actors undermine the right to freedom of association and the ability to participate effectively and meaningfully in regional and international organizations,

Reaffirming the importance of adopting and implementing non-discriminatory measures to assist in the strengthening of a diverse and pluralistic civil society, including through the strengthening of the rule of law, social and economic development, the promotion of the right to freedom of expression, online and offline, including artistic expression and creativity, access to information, the rights of peaceful assembly and freedom of association, including soliciting, receiving and utilizing resources, and the administration of justice, and to the real and effective participation of the people in decision-making processes,

Recognizing that access to information, online and offline, is fundamentally important to civil society organizations in conducting their work effectively and meaningfully, and that any restriction on the freedom to seek, receive and impart information must comply with relevant international law,

Recognizing also the crucial importance of the active involvement of civil society, at the national, regional and international levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,

1. *Reaffirms* that creating and maintaining a safe and enabling environment in which civil society can operate free from hindrance and insecurity assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Urges* States to fulfil their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, online and offline as applicable, inter alia, the right to freedom of expression and opinion, including artistic expression and creativity, and the right to assemble peacefully and associate freely;

3. *Encourages* States and organizations to put in place transparent, fair and gender-sensitive accreditation processes that deliver prompt decisions in compliance with human rights standards, including by establishing grievance mechanisms for redress, and to address any erroneous accreditation decisions;

4. *Encourages* States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, and others, and also including indigenous peoples and others not associated with or organized in non-governmental organizations;

5. *Urges* States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals;

6. *Calls upon* States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work;

7. *Urges* States and strongly encourages international and regional organizations to adopt and implement robust policies on access to information, in compliance with relevant international law;

8. *Urges* all non-State actors to respect all human rights and not to undermine the capacity of civil society to operate free from hindrance and insecurity;

9. *Emphasizes* the essential contribution that civil society makes to regional and international organizations, including through advocacy and awareness-raising, the sharing of expertise and knowledge, and implementation, monitoring and evaluation processes, and once again unequivocally reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms;

10. *Recognizes* the valuable contribution of national, regional and international human rights mechanisms and bodies, including the universal periodic review and the special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;

11. *Also recognizes* that the effective functioning of the above-mentioned regional and international human rights mechanisms and bodies is inexorably linked to civil society participation;

12. *Encourages* the special procedures of the Human Rights Council, the treaty bodies and relevant United Nations bodies, agencies, funds and programmes to continue to address relevant aspects of civil society space in the framework of their respective mandates;

13. *Urges* States to ensure that the issue of the creation and maintenance of a safe and enabling environment for civil society is addressed in the context of the universal periodic review, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-up to their review, in compliance with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011;

14. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on procedures and practices in respect of civil society engagement with international and regional organizations,[1] and notes the concerns expressed therein regarding the challenges facing civil society in this regard;

15. *Encourages* States to apply good practices, including, but not limited to, those compiled in the report of the High Commissioner on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society,[2] and the good procedures and practices identified by the High Commissioner in his report on procedures and practices in respect of civil society engagement with international and regional organizations;[1]

16. *Invites* States to seek technical assistance and advice in this regard, including from the Office of the High Commissioner, relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

17. *Calls upon* States to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflect and respond to the challenges faced, in order to support improved civil society engagement with international and regional organizations, and welcomes efforts already made in this regard;

18. *Strongly encourages* all relevant United Nations bodies to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflect and respond to the challenges faced, in order to support improved civil

[1] A/HRC/38/18.
[2] A/HRC/32/20.

society engagement with international and regional organizations, and welcomes efforts already made in this regard;

19. *Notes* the intention of a group of States to undertake a stocktaking exercise in the run-up to the forty-first session of the Human Rights Council, to examine the progress made to date in improving civil society engagement in international and regional organizations, with particular reference to the recommendations made by the High Commissioner in his report,[1] and invites States and other stakeholders, including the Office of the High Commissioner and civil society, to participate in this exercise;

20. *Welcomes* the work of the Office of the High Commissioner to promote and protect civil society space, including its work on widening the democratic space, and invites it to continue efforts in this regard;

21. *Requests* the High Commissioner to prepare a report on progress made in improving civil society engagement with international and regional organizations and to present it to the Human Rights Council at its forty-fourth session;

22. *Decides* to remain seized of the matter.

38th meeting
6 July 2018

[Adopted by a recorded vote of 35 to 0, with 11 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Ecuador, Georgia, Germany, Hungary, Iraq, Japan, Kenya, Mexico, Mongolia, Nepal, Pakistan, Panama, Peru, Philippines, Republic of Korea, Rwanda, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Ukraine and United Kingdom of Great Britain and Northern Ireland

Abstaining:

Burundi, China, Cuba, Egypt, Ethiopia, Kyrgyzstan, Nigeria, Qatar, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)]